



Joseph E. Kernan  
Governor

Lori F. Kaplan  
Commissioner

February 13, 2004

100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015  
(317) 232-8603  
(800) 451-6027  
[www.in.gov/idem](http://www.in.gov/idem)

TO: Interested Parties / Applicant

RE: Wabash Valley Asphalt Company, LLC / 021-18691-03274

FROM: Paul Dubenetzky  
Chief, Permits Branch  
Office of Air Quality

## Notice of Decision – Approval

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to 326 IAC 2, this approval was effective immediately upon submittal of the application.

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days from the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosures  
FNPER-AM.dot 9/16/03

February 13, 2004

Mr. John A. Collett  
Wabash Valley Asphalt Company, LLC  
P.O. Box 8297  
Terre Haute, Indiana 47807

Re: Portable Source Relocation Letter  
Site Approval INDOT No. 3274  
Permit #: L 021-18691-03274

Dear Mr. Collett:

Approval is hereby granted to operate the portable hot mix asphalt facility, INDOT No. 3274, described in Operation Permit No. F153-14214-03274 issued on April 18, 2002. This source is to be located at 806 West Hendrix, Brazil, in Clay County, Indiana. This plant was previously located at 937 S. Section Street, Sullivan, in Sullivan County, Indiana. The site approval for 937 S. Section Street, Sullivan, Indiana was issued on April 18, 2002.

Relocation of this plant must take place within 120 days after the issuance of this decision. The enclosed Notice of Decision explains your options to challenge this decision under IC 4-21.5-3-5(f). Pursuant to IC 4-21.5-3-5(f), this approval is not effective until eighteen (18) days from the date of this letter. This approval supersedes all previous site approval letters.

Advance written notice to the Office of Air Quality (OAQ), Air Compliance Section and Vigo County Air Pollution Control of start-up is required in order for the OAQ to perform an inspection. If the plant is not operating in compliance with all applicable regulations upon inspection, the plant must cease operation upon notification to you by OAQ staff of such non-compliance. Operations may only resume once remedial actions have been taken and approved by the OAQ.

If you have any questions concerning this relocation site approval, please contact Gary Freeman of my staff at 317/233-5334 or at 1-800-451-6027, ext 3-5334.

Sincerely,

Original Signed by Paul Dubenetzky

Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Quality

PD/gkf

Enclosures: Notice of Decision

cc: File - Clay County

Clay County Health Department

Sullivan County Health Department

Air Compliance Section - Jim Thorpe

Permit Review Section 1 - Gary Freeman

Air Programs - Chet Bohannon  
Local Agency - Vigo County Air Pollution Control